

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicant : Botstein et al.)
 Appl. No. : 10/033,396)
 Filed : December 27, 2001)
 For : SECRETED AND)
 TRANSMEMBRANE)
 POLYPEPTIDES AND NUCLEIC)
 ACIDS ENCODING THE SAME)
 Examiner : Unknown)

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all
 marked attachments are being facsimile transmitted to
 the Patent and Trademark Office on the date shown
 below:

May 16, 2002

(Date)

AnneMarie Kaiser, Reg. No. 37,649

**PETITION FOR RECONSIDERATION REQUIREMENT FOR DEPARTMENT OF
 ENERGY PROPERTY RIGHTS STATEMENT UNDER 1002.02(c)(1)**

Assistant Commissioner for Patents
 Washington, D.C. 20231

Attn: LICENSING AND REVIEW

Dear Sir:

Applicants hereby petition for reconsideration of the Notice mailed on April 26, 2002 relating to
 the Department of Energy property rights statement under 42 U.S.C. 2182. A copy of the Notice is
 attached.

The subject matter in the above-referenced application is not "useful in the production or
 utilization of special nuclear material or atomic energy." Instead, the subject matter of the above-
 referenced application relates to the identification and isolation of novel nucleic acids and to the
 recombinant production of novel polypeptides.

Applicants therefore request that the Notice and requirement for a property rights statement be
 withdrawn and that the application be passed to Group Art Unit 1656 for examination.

Respectfully submitted,
 KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

May 16, 2002

By:

AnneMarie Kaiser
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 Registration No. 37,649

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